

SENATOR MARVEL: Senator Fowler, do you want to make a motion that we advance LB 867?

SENATOR FOWLER: Yes, I will move we advance 867.

SENATOR MARVEL: Is there a second? All those in favor say aye, opposed no. Motion carried, Mr. Clerk. We are back on LB 713. Senator Koch has some amendments. The Chair recognizes Senator Koch.

CLERK: Mr. President.

SENATOR KOCH: Mr. Speaker and Mr. Clerk, in the spirit of compromise, I will withdraw the amendment and I am ready to call it quits.

SENATOR MARVEL: Okay, Senator Koch's amendments are withdrawn. What is the next set of amendments?

CLERK: Mr. President, the next amendment is offered by Senator Fowler. It is found on page 1694 of the Legislative Journal.

SENATOR MARVEL: Senator Fowler.

SENATOR FOWLER: Mr. President and members of the Legislature, this is the one that I offered before lunch and withdrew right after lunch, erroneously anticipating successful action on a subsequent amendment. I appreciate the courtesy of the body in letting me resubmit and rediscuss this amendment. And when I presented it this morning I compared it to a bill that we passed on Final Reading dealing with expungement of records with regards to drunk driving. At lunch, Senator Murphy pointed out correctly to me that my analysis of Senator Clark's bill that passed this morning was erroneous in part. I indicated that it called for complete expungement and Senator Murphy asked me to read a little further in the bill, and although it uses the term "expungement", it does say that it will continue to be part of the court record. So, essentially, the bill we passed this morning said on the drunk driving after five years, if you are not picked up, the record will be sealed and only accessible to the court. Now my amendment says after ten years on any offense, if you have not committed any crime again, your record will be sealed, unless, and there are three exceptions, and these three exceptions currently exist in the law, if you are currently a subject of prosecution or correctional control as a result of an arrest. So if you are arrested, the record then becomes open. If you are an announced candidate for holder of public office, then that will make the record become open. And three, if you request yourself to release that to a specific person, the record will be reopened. Now I think the question before us is how long should these records be open? Is there a time in which a person has successfully lived their life without committing a subsequent offense that they have a right to a certain privacy about their background and their past? This morning we said that for drunk driving, if in five years you did not commit the offense again, then that would be closed to the press, that would be closed to other people, that information would not be available to someone who walks in and asks about you or asks inquiry. And I would guess that the philosophy of the Legislature is somehow that in that case, at least, the concept of rehabilitation is accepted and that the person has earned a right to a certain amount of privacy